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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/050,730		10/26/2001	Junichi Fujimori	393032028700	7708	
25224	7590	06/08/2006		EXAM	EXAMINER	
		ERSTER, LLP	DAVIS, CYNTHIA L			
555 WEST F SUITE 3500		TREET		ART UNIT	PAPER NUMBER	
LOS ANGEI	LES, CA	S, CA 90013-1024		2616		
				DATE MAILED: 06/08/200	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application   Application				
Examiner		Application No.	Applicant(s)	<del> </del>
Cynthia L Davis  Cynthia L Davis  Cynthia C Davis  Cynthia L Davis  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  If NO period for traph's specified store, the measurum statutory priod will apply and will expire SM (5) MONTHS from the realing date of this communication.  If NO period for traph's specified store, the measurum statutory priod will apply and will expire SM (5) MONTHS from the realing date of this communication.  Falses to epily which has dot or electrical period for reply date will be precised in the properties of the communication.  Falses to epily which has dot or electrical period for reply date will be communication.  Status  1) Responsive to communication(s) filled on 3/30/2006.  2e) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 22-31 [sfare pending in the application.  4a) Of the above claim(s) isae withdrawn from consideration.  5) Claim(s) 22-23 [sfare objected to by the Examiner.  Claim(s) 22-32 [sfare objected to by the Examiner.  1) The pacification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The drawing(s) filed on isae: a) accepted or b) objected to by the Examiner.  Application Papers  1) A condition of the priodity documents have been received.  2	_	10/050,730	FUJIMORI, JUNICHI	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  5 Senson of time may be availated under the govenules of 37 CPR 1.126(a). In a revert, lowers, may a reply be limely filled.  1 INO geneted for reply is specified above, the measurem statutory pried will apply and will explore Sk (8) MONTHS from the molling date of this communication.  1 Parties to explore with the specified body. The measurem statutory pried will apply and will explore Sk (8) MONTHS from the molling date of this communication.  1 Parties to explore with the specified pried for reply its spatule, cause the specified into become ABANDONED (39 LS € 133). An analysis of the specified in the specified into s	Office Action Summary	Examiner	Art Unit	
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Elanations of time may be available under the provisions of 37 FR 11-350, in an event, however, may a repty be limely filed after 5X (5) MOSTITIS from the mailing date of this communication, and in apply and will reptire 5X (5) MOSTITIS from the mailing date of this communication, and in apply and will reptire 5X (5) MOSTITIS from the mailing date of this communication (1) may be an expensed by the Communication (1) may be an expensed by the Communication (1) may be an expensed period for yield, by allows, each explanation in a major and will be a communication (1) may be a communication, even if timely filed, may reduce any search galactic transfer in a major and may be a communication (1) may be a		appears on the cover sheet w	ith the correspondence address	
1)	WHICHEVER IS LONGER, FROM THE MAILIN  - Extensions of time may be available under the provisions of 37 Cf after SIX (6) MONTHS from the mailing date of this communicatio  - If NO period for reply is specified above, the maximum statutory p  - Failure to reply within the set or extended period for reply will, by a Any reply received by the Office later than three months after the	G DATE OF THIS COMMUNI FR 1.136(a). In no event, however, may a n. eriod will apply and will expire SIX (6) MON statute, cause the application to become Af	CATION. eply be timely filed ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).	
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### **DETAILED ACTION**

## Response to Arguments

1. Applicant's arguments with respect to claims 22, 25, and 29 have been considered but are most in view of the new ground(s) of rejection.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 22, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach in view of applicant's admitted prior art.

Regarding claim 25, a communication system having a communication network and a plurality of nodes connected to the communication network and in which audio data are transferred between the plurality of nodes with respective sampling clocks of the plurality of nodes synchronized via a synchronization signal packet is disclosed in applicant's admitted prior art, pages 1 and 2 of the instant specification (describing a audio system with a plurality of slave nodes and a word clock master node that sends out a transmission time stamp to the slave nodes to synch them). That the master node is a clock master node is disclosed in the applicant's admitted prior art, pages 1 and 2. The clock master node in each of the groups sends a synchronization signal packet to the communication network is disclosed in the admitted prior art, pages 1 and 2 (the word clock master node sends a time stamp to each node every cycle). Each of said

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plurality of nodes that is not set as the clock master node receives, from among a plurality of the synchronization signal packets sent to the communication network, a synchronization signal packet and performs a synchronization process on the sampling clock thereof on the basis of the received synchronization signal packet is disclosed in the admitted prior art, pages 1 and 2 (master nodes send out the time stamp, there is a master node for every tone-related communication in the network, so there are a plurality of time stamps sent out). A grouping section that groups said plurality of nodes into a plurality of groups, and a master setting section that sets, for each of the groups, one of the nodes within the group as a master node is missing from the admitted prior art; it is disclosed in Auerbach, column 3, lines 1-4. Attaching, to the synchronization signal packet, identification information indicative of the group to which the master clock node belongs and an ID indicating itself as the clock master node of the group is missing from the admitted prior art; it is disclosed in Auerbach, column 6, lines 3-10. Having identification information indicative of the group to which the node belongs and the ID indicative of the clock master node of the group to which the node belongs is missing from the admitted prior art; it is disclosed in Auerbach, column 6, lines 3-10. It would have been obvious to one skilled in the art at the time of the invention to use the tree leader and group identification system of Auerbach in the applicant's admitted prior art master clock node system. The motivation would be to provide an improved method for setting up multicast routes, and to administer the transmission paths for multicast communications (see Auerbach, column 2, lines 36-47; the reference time stamp of the admitted prior art is a multicast to all the slave nodes).

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Regarding claim 29, communication control method for execution in a communication system having a communication network and a plurality of nodes connected to the communication network and in which audio data are transferred between the plurality of nodes with respective sampling clocks of the plurality of nodes synchronized via a synchronization signal packet is disclosed in applicant's admitted prior art, pages 1 and 2 of the instant specification (describing a audio system with a plurality of slave nodes and a word clock master node that sends out a transmission time stamp to the slave nodes to synch them). A step of causing the one node set as the clock master node in each of the groups to send a synchronization signal packet to the communication network is disclosed in the admitted prior art, pages 1 and 2. Causing each node that is not set as the clock master node to receive, from among a plurality of the synchronization signal packets sent to the communication network, a particular synchronization signal packet and performing a synchronization process on the sampling clock thereof on the basis of the received synchronization signal packet is disclosed in the admitted prior art, pages 1 and 2 (master nodes send out the time stamp, there is a master node for every tone-related communication in the network, so there are a plurality of time stamps sent out). Said plurality of nodes being grouped into a plurality of groups is missing from the admitted prior art; it is disclosed in Auerbach, column 3, lines 1-4. A step of setting, for each of the groups, one of the nodes as a clock master node is missing from the admitted prior art; it is disclosed in Auerbach, column 3, lines 1-4. Attaching identification information indicative of the group to which the one node belongs and an ID indicating itself as the clock master node of the group

is missing from the admitted prior art; it is disclosed in Auerbach, column 6, lines 3-10. The packet having the identification information indicative of the group to which the node belongs and the ID indicative of the clock master node of the group to which the node belongs is missing from the admitted prior art; it is disclosed in Auerbach, column 6, lines 3-10. It would have been obvious to one skilled in the art at the time of the invention to use the tree leader and group identification system of Auerbach in the applicant's admitted prior art master clock node system. The motivation would be to provide an improved method for setting up multicast routes, and to administer the transmission paths for multicast communications (see Auerbach, column 2, lines 36-47; the reference time stamp of the admitted prior art is a multicast to all the slave nodes).

Regarding claim 22, a computer program comprising computer program code means for performing all the steps of claim 29 when said program is run on a computer is missing from the admitted prior art. It is disclosed in Auerbach, column 2, lines 54-59. It would have been obvious to one skilled in the art at the time of the invention to implement the clock synchronization system of the admitted prior art in a computer, as is done in Auerbach. The motivation would be to use a convenient, commercially available type of machine as the node.

## Allowable Subject Matter

- 3. Claims 23-24, 27-28, and 30-31 are allowed.
- 4. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L. Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CLD 5/26/2006

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Clave Ti Miser